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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH CASPERS, JR.,

Defendant.

CASE NO. 2:22-MJ-0073 DB

STIPULATION TO RECALL ARREST WARRANT
AND ISSUE A SUMMONS; ORDER

[Fed. R. Crim. P. 4]

STIPULATION

Plaintiff United States of America, by and through its undersigned counsel, and defendant, by and through his undersigned counsel, stipulate and jointly request that the Court recall the arrest warrant issued on May 11, 2022, for defendant Kenneth Caspers, Jr. in *United States v. Caspers*, Case No. 2:22-MJ-0073 DB. The parties further respectfully request that a summons be issued for the defendant for an initial appearance date on October 3, 2022, before the duty Magistrate Judge at 2:00 p.m. This stipulation is entered pursuant to Rule 4 of the Federal Rules of Criminal Procedure and is based upon the facts set forth below:

1. On May 11, 2022, the Honorable Deborah Barnes authorized the Criminal Complaint in *United States v. Caspers*, Case No. 2:22-MJ-0073 DB. In connection with this complaint, Magistrate Judge Barnes issued an arrest warrant for defendant Kenneth Caspers, Jr. pursuant to Rule 4(a).

2. Following the issuance of this arrest warrant, law enforcement contacted Caspers. Consistent with Rule 4(c), law enforcement explained the existence of the warrant and discussed the charges in the warrant with Caspers. Pursuant to these discussions, law enforcement was able to determine that Caspers' current condition requires substantial medical assistance due to a recent motorcycle accident. The officers concluded that it was not safe to transport Caspers to federal court in order to make an initial appearance.
3. In anticipation of future litigation in federal court concerning the above-described Criminal Complaint, the defendant has been represented by the undersigned defense counsel, David Fischer. Defense counsel and counsel for the government have discussed defendant's medical condition and have agreed that his current condition continues to prevent him from being safely taken into federal custody.
4. Additionally, because the defendant and his attorney have been made aware of the charges in the above-described Criminal Complaint, as well as the existence of the arrest warrant connected to that Criminal Complaint, the government has separately moved to unseal the above-captioned case.
5. As a result, the parties now jointly request that the court recall the arrest warrant for defendant Kenneth Caspers, Jr. pursuant to Rule 4(a), which authorizes this Court to "issue a summons, instead of a warrant" "at the request of an attorney for the government." Moreover, Rule 4(a) further authorizes this Court to issue "more than one warrant or summons on the same complaint."
6. Accordingly, the parties request that the Court to issue a summons for defendant Kenneth Caspers, Jr. to make an initial appearance on the above-described Criminal Complaint on October 3, 2022, at 2:00 p.m. in Sacramento before the assigned duty Magistrate Judge for the Eastern District of California. This request is made without prejudice to a future stipulation and proposed order requesting a different summons date, depending on the circumstances surrounding the defendant's medical condition.
7. Moreover, the parties jointly stipulate and agree that the above-described agreement to recall the arrest warrant and issue a summons shall be without prejudice to the

government making future requests and/or arguments concerning the detention of the defendant, once his medical condition has improved.

PHILLIP A. TALBERT
United States Attorney

/s/Aaron D. Pennkeamp

Dated: August 16, 2022

AARON D. PENNEKAMP
Assistant United States Attorney

/s/David Fischer (with authorization)

Dated: August 16, 2022

DAVID FISCHER
Counsel for Defendant KENNETH CASPERS, JR.


ORDER

The parties have jointly requested pursuant to Rule 4(a) of the Federal Rules of Criminal Procedure that the Court recall the arrest warrant issued on May 11, 2022, for defendant Kenneth Caspers, Jr. in the case of *United States v. Caspers*, Case No. 2:22-MJ-0073 DB. For the reasons set forth in the parties' stipulation, IT IS HEREBY ORDERED:

1. The arrest warrant issued on May 11, 2022, for defendant Kenneth Caspers, Jr. in the case of *United States v. Caspers*, Case No. 2:22-MJ-0073 DB, is recalled.
2. Pursuant to Rule 4(a) of the Federal Rules of Criminal Procedure, the Court will issue a summons for defendant Kenneth Caspers, Jr. to make his initial appearance on October 3, 2022, at 2:00 p.m. in Sacramento before the assigned duty Magistrate Judge for the Eastern District of California.

IT IS SO ORDERED.

Dated: August 17, 2022


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE